

ARTICLE 82-05

RETIREMENT BENEFITS

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CHAPTER 82-05-01 PROCEDURAL REQUIREMENTS

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82-05-01-01. Application for benefits. A teacher or beneficiary must make written application for benefits on enrollment forms provided by the fund before benefits can be paid. The enrollment form must be signed by the teacher or beneficiary and notarized or witnessed by a plan representative. The form of payment option selected may not be changed after the first benefit payment has been accepted by the teacher or beneficiary except as allowed under section 82-05-02-02.

Retirement benefits may not be issued to a teacher who has terminated a teaching position only for the summer months or for a leave of absence.

History: Effective September 1, 1990; amended effective April 1, 1994; May 1, 2000.

General Authority: NDCC 15-39.1-07

Law Implemented: NDCC 15-39.1-10

82-05-01-02. Proof of age. A teacher applying for a retirement benefit and each beneficiary entitled to a continuing annuity under the joint and survivor option must provide proof of age. The following documents will be accepted as proof of age: birth certificate, baptismal certificate, passport, or official military record.

History: Effective September 1, 1990.

General Authority: NDCC 15-39.1-07

Law Implemented: NDCC 15-39.1-10

82-05-01-03. Designation of beneficiary. The teacher shall designate a survivor or a beneficiary in writing on forms provided by the fund prior to the beginning of benefit payments.

If the teacher is married, the teacher's spouse must be named as the primary beneficiary or the teacher must provide written spousal approval to name an alternate beneficiary. If the teacher is not married, or if the teacher has written spousal consent, the teacher may name any person, organization, church, or charity as beneficiary of the teacher's retirement account. If more than one beneficiary is named, the beneficiaries are not eligible to receive a monthly annuity for life. Multiple beneficiaries receiving a survivor benefit must select the same form of payment.

After benefit payments have begun, the teacher may not change the designated survivor or beneficiary, except under the following circumstances:

1. Teachers who select the single life, five-year term certain and life (option no longer available to new retirees), twenty-year term certain and life, or ten-year term certain and life annuity plans may change their beneficiary at any time.
2. Teachers who select the one hundred percent joint and survivor or fifty percent joint and survivor annuity plans may only name one beneficiary and may not change their beneficiary after retirement, except under the following circumstances:
 - a. If the teacher's designated beneficiary precedes the teacher in death; or
 - b. If the marriage of a teacher and the designated beneficiary is dissolved and the divorce decree provides for sole retention of the retirement benefits by the teacher.

In these cases, the form of benefits shall automatically revert to the standard form of benefit payment under section 82-05-02-01 and a new beneficiary may be designated. The teacher, upon remarriage, may designate the new spouse as the primary beneficiary and may elect a joint and survivor benefit option under section 82-05-02-02.

History: Effective September 1, 1990; amended effective April 1, 1994; May 1, 2000; May 1, 2002; May 1, 2004.

General Authority: NDCC 15-39.1-07

Law Implemented: NDCC 15-39.1-16

82-05-01-04. Proof of marriage. Repealed effective May 1, 2000.